

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 19-cr-10063-DJC

UNITED STATES OF AMERICA

v.

RANDALL CRATER

FINAL STATUS REPORT AND ORDER OF EXCLUDABLE DELAY

Date: January 6, 2020

KELLEY, M.J.

A Final Status Conference was held today, January 6, 2020. The parties reported that the case is ready to go to the District Court, Casper, J., for a pretrial conference. Defendant requests that the conference not be scheduled under after March 1, 2020, due to his trial schedule. The parties further reported as follows:

1. It is not clear if a trial will be necessary.
2. Discovery is complete.
3. Defendant reserves the right to file motions to dismiss or suppress.
4. Defendant does not intend to raise a defense of insanity or public authority.
5. As of the date of the Pretrial Conference, no unexcluded time will have elapsed since the arraignment, leaving seventy days remaining under the Speedy Trial Act before trial must commence.

With the agreement of the parties, this court finds and concludes, pursuant to the provisions of 18 U.S.C. § 3161(h)(8) and Section 5(b)(7)(b) of the Plan for Prompt Disposition of Criminal Cases in the United States District Court for the District of Massachusetts (Statement of Time Limits Adopted by the Court and Procedures for Implementing Them, Effective December 2008), that the interests of justice,

i.e., allowing the parties time prior to the Pretrial Conference to prepare the case, outweighs the best interests of the public and the defendant for a trial within seventy days of the return of an indictment.

Accordingly, it is hereby ordered that, the Clerk of this Court enter excludable time for the periods of January 6, 2020, to the date of the parties' appearance before the District Court.¹

/ s / M. Page Kelley
M. PAGE KELLEY
UNITED STATES MAGISTRATE JUDGE

¹The parties are hereby advised that under the provisions of Rule 2(b) of the Rules for United States Magistrate Judges in the United States District Court for the District of Massachusetts, any party may move for reconsideration by a district judge of the determination(s) and order(s) set forth herein within fourteen (14) days after receipt of a copy of this order, unless a different time is prescribed by this court or the district judge. The party seeking reconsideration shall file with the Clerk of this Court, and serve upon all parties, a written notice of the motion which shall specifically designate the order or part thereof to be reconsidered and the basis for the objection thereto. The district judge, upon timely motion, shall reconsider the magistrate's order and set aside any portion thereof found to be clearly erroneous in fact or contrary to law. The parties are further advised that the United States Court of Appeals for this Circuit has indicated that failure to comply with this rule shall preclude further appellate review. See Keating v. Secretary of Health and Human Services, 848 F.2d 271 (1st Cir. March 31, 1988); United States v. Emiliano Valencia-Copete, 792 F.2d 4 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603 (1st Cir. 1980); United States v. Vega, 678 F.2d 376, 378-379 (1st Cir. 1982); Scott v. Schweiker, 702 F.2d 13, 14 (1st Cir. 1983); Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985).